

**CERTIFICATE OF SERVICE**  
**37 C.F.R. §1.248**

The undersigned certifies that on March 25, 2003, a copy of the foregoing amendment including all attachments was mailed by first class mail bearing sufficient postage to:

Dr. John H. Dodds  
Dodds & Associates  
1707 N. St. NW  
Washington, D.C. 20036

The attachments include those specified in the amendment, additionally including a Petition for Four Month Extension of Time, Transmittal, Fee transmittal, Certificate of Mailing, Power of Attorney, Revocation of Power, drawings, Declaration of Polly Proctor, Declaration of Laura Conley, Bassett article, and Declaration of Larry Proctor.

  
By Dan Cleveland, Jr.

3/25/03  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Larry Proctor

Application No.: 09/773,303

Control No.: 90/005,892

Filed: 1/31/2001

12/20/2000



Group No.: 1638

Examiner: Amy J. Nelson

For: **FIELD BEAN CULTIVAR NAMED ENOLA**

**Box: Reissue**

**Commissioner for Patents**

**Washington, D.C. 20231**

**CERTIFICATE OF MAILING**  
**via EXPRESS MAIL**

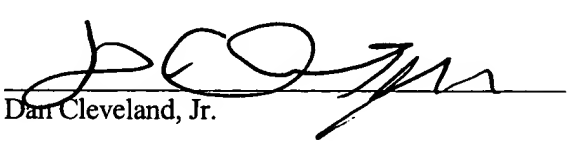
"Express Mail" label number EL 820326065 US

Date of Deposit: March 25, 2003

I hereby state that the following *attached* papers

- 1) Response to Office Action mailed September 25, 2002 including attachments (\_\_\_ pages)
- 2) Transmittal (1 page)
- 3) Fee Transmittal in duplicate (2 pages)
- 4) Petition for Four Month Extension of Time (1 page)
- 5) Check No. 2903 in the amount of \$725 for fees
- 6) Certificate of Mailing (1 pag)
- 7) Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to: Box: Reissue, Commissioner for Patents, Washington, D.C. 20231.

  
Dan Cleveland, Jr.

Please type a plus sign (+) inside this box → ☒

U.S. Express Mail Label No. EL 820326065 US

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAR 25 2003

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Serial Control Number	09/773,303 - 90/005,892
Filing Dates	01/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Group Art Unit	1638
Examiner Name	Amy Nelson
Attorney Docket Number	396168

Total Number of Pages in This Submission

257

## ENCLOSURES (check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                        | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input checked="" type="checkbox"/> Fee Attached                                | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input checked="" type="checkbox"/> Amendment / Response                        | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
| <input checked="" type="checkbox"/> Affidavits/declaration(s)                   | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request                   | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Terminal Disclaimer   | -Certificate of Mailing   |
| <input type="checkbox"/> Information Disclosure Statement                       | <input type="checkbox"/> Request for Refund  | -Return Postcard  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   |  |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR<br>1.52 or 1.53 |  |   |

Remarks

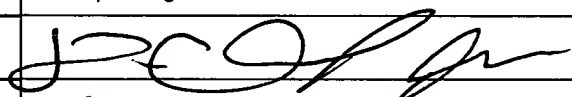
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Dan Cleveland, Jr., Reg. No. 36,106  
Lathrop & Gage L.C.

Signature

Date

  
March 25, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 725**Complete if Known**

Application Number	09/773,303 - 90/005,892
Filing Date	1/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Examiner Name	Amy J. Nelson
Group / Art Unit	1638
Attorney Docket No.	39616

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
12-0600Deposit  
Account  
Name  
Lathrop & Gage L.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$0)

**2. EXTRA CLAIM FEES**

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	-20 **	0	0	0
Independent Claims	-3 **	0	0	0
Multiple Dependent			0	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)**

(\$0)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	725
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$725)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Dan Cleveland, Jr.	Registration No. Attorney/Agent	36,106	Telephone	(720) 931-3012
Signature				Date	3/25/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Larry Proctor

Application No.: 09/773,303

Control No.: 90/005,892

Filed: 1/31/2001  
12/20/2000



Group No.: 1638

Examiner: Amy J. Nelson

For: **FIELD BEAN CULTIVAR NAMED ENOLA**

Box: Reissue  
Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING  
via EXPRESS MAIL

"Express Mail" label number EV 203525780 US

Date of Deposit: March 25, 2003

I hereby state that the following *attached* papers

- 1) Response to Office Action mailed September 25, 2002 including attachments (260 pages)
- 2) Transmittal (1 page)
- 3) Fee Transmittal in duplicate (2 pages)
- 4) Petition for Four Month Extension of Time (1 page)
- 5) Check No. 2903 in the amount of \$725 for fees
- 6) Certificate of Mailing (1 pag)
- 7) Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to: Box: Reissue, Commissioner for Patents, Washington, D.C. 20231.

  
Dan Cleveland, Jr.